

International Disability Caucus News Page

January 23, 2006

NOTHING ABOUT US WITHOUT US

Reminding delegates what the IDC is

IDC considers it important to remind Government delegates what IDC stands for and how it works.

IDC currently comprises 65 different international, regional and national organisations. IDC includes different types of organisations, but is led by organisations of persons with disabilities (DPOs).

As delegates know, IDC has worked hard intersessionally to produce a text amending the Chair's text and providing justifications for these amendments. IDC is satisfied with the many Government delegates that have referred to our text. We feel it has been an important contribution to the current negotiating process.

IDC has an Assembly (open to all its members) which meets on a daily basis. The minutes of these meetings are sent to the IDC email list which allows IDC members unable to be in New York to follow the negotiations.

IDC has a steering committee, comprising the existing international disability organisations, representation from the different regions of the world, as well as key allies. This steering committee meets also every day and is in charge of defining the IDC strategy.

Moreover, IDC has so-called article working groups (including the women's caucus and a group on children) which lead the work on each relevant article. These groups, open to all IDC members, prepare the IDC interventions, follow the debate and produce, when needed, new alternative wording.

Government delegates will realise that it implies a huge coordinating effort to provide this unified voice and we would therefore insist that Government delegates continue to listen to our demands.

Government delegates will also be aware that there have been other NGO (non-IDC members) interventions. While some of these have been supportive to the IDC positions, some have stated different views. It is important that Government delegates give priority attention to the IDC views to those presented by individual organisations.

Finally, IDC would remind about our slogan "Nothing about us without us". This is not just a sentence, but it is a key element in the often mentioned paradigm shift.

As stated earlier, IDC will remain flexible on specific wordings, but will also signal to Government delegates when there are issues with which we can't live. When this is the case, work will need to continue until we arrive at a solution with which we all can live.

IDC evaluation of the first week

IDC is satisfied with the speed and methodology of the AHC Plenary meetings. We consider it important to achieve during these three weeks a full reading of the text.

In terms of content, not surprisingly our main concerns stay with issues around legal capacity (article 12), prohibition of deprivation of liberty (article 14), freedom from torture (article 15) and personal integrity (article 17).

A paradigm shift can not be undertaken if the future Convention will include exceptions to legal capacity and to forced interventions and institutionalisation. Instead of making a contribution to the human rights of persons with disabilities, the Convention would in fact legitimise certain practices which imply clear breach of the human rights of persons with disabilities.

On **article 12**, there has been substantial progress and we welcome Canada's proposal as a basis to work from. Canada's proposal on that article achieved the minimum that we wanted, which is no mention of guardianship or other limitation of legal capacity. We are working to address the concerns of delegates within this framework. On **articles 15 and 17**, there are two texts being circulated. We can support Argentina's text, which differs from IDC only on a technical legal issue of whether experimentation and interventions should be taken out of the article on torture for the reason that torture might only apply to acts done by public officials. After due consideration, we cannot support the NZ text, which puts integrity on an equality basis similar to liberty. Respect for integrity is not a non-discrimination provision, it is absolute. Violence is violence. On liberty, we are satisfied with paragraph 2 but paragraph 1b still needs work and we are discussing alternatives with delegates.

On **article 19**, the IDC was pleased with the overwhelming support from states parties to recognize the right of people with disabilities to live in the community.

While there was vast backing from states parties to recognize the right of people with disabilities to live in the community, this can only be realized if choice on an equal basis with others is recognized in the context of this article. The IDC supports states that proposed this addition because the freedom of choice on an

equal basis with others within independent living ensures the concepts of autonomy and self-determination.

We are hopeful that the IDC proposal on choice on an equal basis with others will help resolve some of the concerns raised by states parties in regards to living with ones family.

The importance of children with disabilities in this article:

The IDC feels that the particular needs of children should be addressed in this particular article. In many places, children with disabilities continue to be at a higher risk for institutionalization than children without disabilities. Therefore, it is imperative to challenge the presumption that institutional care is most appropriate for children with disabilities.

As for the **article 20** on personal mobility, the overwhelming number of states supported that personal mobility should be retained in a separate article. This clarified the confusion that personal mobility could be either merged with accessibility in Article 9 or liberty of movement in Article 18. Personal mobility is about the individual while accessibility about the external environment. Therefore, they are conceptually and practically different issues. In addition, liberty of movement is about ensuring that the state does not interfere with one's movement within and outside of a territory and is not about facilitating that mobility.

The IDC's particular addition to the Chair's text was in paragraph e stating that there are three key elements necessary to ensure safe and effective personal mobility of people with disabilities. They include:

- The need for people with disabilities to have training in personal mobility
- The equipment that is necessary (live assistance, or mobility device)
- The world needs to understand issues of mobility in the environment in which we live. For example, it is necessary to recognize that a white cane is used by a blind person, it is necessary to be aware that an assistant dog must be able to enter public places, and it is necessary that people know how to assist a person in a wheelchair entering a bus.

Article 21: Freedom of Expression and Opinion and Access to Information

Many states supported the inclusion of alternative and/or augmentative communication modes and means which is a way of including known and future communication methods of people with disabilities.

Though there was support from states parties to include many types of communication the concept of choice must be included in the context of this article in order to ensure the concepts of autonomy and empowerment. If a person with disabilities is denied the right to choose a mode or means of communication, the notion of self-determination that is paramount to this convention would be undermined.

The IDC strongly supports the need to recognize Braille as an official script for blind persons. Many states supported this addition to the Chair's text by stating that unlike Sign language, Braille is a script which is helpful for clearing up the confusion of differentiating between the two.

Self-advocate's statement:

Let's celebrate togetherness.

Let's celebrate family and friends.

Let's celebrate diversity.

PREVIEW OF MONDAY, JANUARY 23rd

Article 23 – Respect for the Home and the Family

Please be aware that the IDC proposes a new paragraph recognising the right of children with disabilities to family life underlining the importance of education and support to parents of children with disabilities in order that they can protect and promote the rights of children with disabilities in the family.

In addition, the IDC proposes a new text on gender stating that persons with disabilities have the right to decide freely and responsibly on the number and spacing of their children and the equal opportunity to retain their fertility have to be guaranteed on a non-discriminatory basis of equality between men and women. This amendment is necessary to ensure e.g. that women with disabilities can raise their children.

Article 24 – Education

The IDC backs the deletion of references to exceptional circumstances as this could be used to justify placement in a special school therefore undermining the principle of inclusive education. However, we recognize the need to mention the possibility for education in one's own settings (blind, deaf and deafblind).

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NOTHING ABOUT US WITHOUT US

Article 24: Education

A very long discussion took place yesterday on this extremely important right.

Education is a fundamental human right and there should be no exception for persons with disabilities.

Education is fundamental for persons with disabilities and their full participation in society. People with disabilities must benefit from the same quality education as all other people. The reality is that most children with disabilities are excluded from education in many countries.

Many states parties supported the two key elements of the IDC proposal for Article 24. The first is that the general education system (one Ministry of Education) is responsible for the education of all children and second, that individualized support measures are available in particular to persons who are blind, deaf and deafblind.

The IDC supports the Panamanian modification to the Canadian proposal on 2 (d): **"that persons with disabilities receive the support required, within the general education system, to facilitate their effective education. States parties shall ensure that effective individualized support measures are provided consistent within the goal of full inclusion."**

Professionals and teachers must be trained in Sign languages, alternative and augmentative modes, means and formats as well as the human rights of persons with disabilities.

Some groups of persons with disabilities (deaf, blind and deafblind) support maintaining the option of education in own learning environments. This is why the IDC supports the retention of paragraph 4.

The IDC rejects proposals from some states to the use of the term special education. The new paradigm for education that the IDC is proposing builds on the notion that there is one ministry of education and one school system responsible for educating all children and that individualized supports need to be provided as mentioned above.

The IDC also recommends the inclusion of highlighting gender references in this article given the overwhelming exclusion of girls and women with disabilities from education. No government raised this issue during the debate.

Women and children facilitators' meetings:

While there is still no consensus on a stand-alone article on either women or children the IDC welcomes the constructive support of many governments in recognizing the importance of appropriate inclusion of the rights of both women and children in the text of the convention.

The voice of self-advocates:

Inclusion is education for all, now and forever Governments must support education for all. We are who we are - our education will acknowledge this.
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Up-coming preview for today's plenary:

Article 25: Health

The IDC strongly suggests that informed consent be added to the text as the concept of choice is vital in the context of this article. No health intervention can be undertaken without the informed consent of a person with disabilities. The IDC strongly backs the mainstreaming of women and girls in this article to ensure that it has a specific gender dimension regarding women's health.

Article 26: Habilitation and Rehabilitation

The IDC supports the title of this article in the Chair's text speaking about both habilitation and rehabilitation. Rehabilitation must be individualized and it should be led by the person with disabilities so that it is in accordance with the individual's free consent and is in line with her/his goals and life aspirations. As in other articles, independence and self-determination are critical also in this article. This will include the right of persons with disabilities not to take part in habilitation or rehabilitation programs and that this refusal shall not in any way limit their right to benefit from other services.

Daily summaries from the first three days of discussions during the 7th Ad Hoc Committee on the Rights of Persons with Disabilities are available on-line at the RI website: <http://www.riglobal.org/un/index.html> as well as on the UN website: <http://www.un.org/esa/socdev/enable/rights/ahc7summary.htm>

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NOTHING ABOUT US WITHOUT US

Article 25: Health

The IDC welcomes the wide support for a stronger text on free and informed consent, which is crucial to ensuring that people with disabilities are in control of our own health services and have the necessary information to support our choices.

However, the IDC is greatly concerned about the confusion of some states parties over the issue of health services vs. health care. The problem is that some state delegations want to change the term health services to health care but health services is a broader term while the word 'care' narrows the concept and has paternalistic connotations. As long as health service is not meant to be abortion other states said they could support the word 'service' instead of 'care'. The IDC has never discussed the issue of abortion in connection to health service. Furthermore is not a disability-specific issue.

We also welcome the wide support to take away the explicit reference to 'physical' and 'mental' in the chapeau. The IDC prefers a broad concept of health rather than separating out only two components, which can be misunderstood.

It is important when discussing health to avoid any reference to the prevention of disability. The IDC proposal on paragraph 1 (b) takes out this explicit reference without losing the meaning of the Chair's text.

The IDC also strongly supports the reference to training and awareness raising of health professionals.

On the issue raised by Qatar, the IDC would suggest to include a reference to the prohibition to withhold treatment of persons with disabilities. There have been many cases where persons with disabilities are not provided with the adequate health treatment based on wrong presumptions about quality of life of persons with disabilities.

Article 26: Habilitation and Rehabilitation

There needs to be a paradigm shift from a medical to a social model concerning habilitation and rehabilitation. Habilitation and rehabilitation must be viewed from a human rights perspective as they are one of the pre-conditions for participation of persons with disabilities in an inclusive society.

There was overwhelming support for the addition of fully informed consent which is a vital for maintaining the integrity of this article. Far too often, people with disabilities are forced to follow programmes against their wishes and there is a lot of national legislation requiring people with disabilities to follow specific rehabilitation programmes that might be irrelevant to their needs.

The IDC feels that the proposal to add 'maintain maximum individual independence' will strengthen this article. The IDC proposal to add 'irrespective of gender, age and all stages of life, complexity of disability and place of residence' strengthens this notion. It is imperative that we include a gender dimension into this article as culture and tradition give men and women different roles and this must not come into habilitation and rehabilitation.

In order to sustain the independence of people with disabilities within habilitation and rehabilitation services and programmes, they must have the right to assess and change the programmes over the course of a lifetime as well as be included in the development of these plans.

Finally, the IDC strongly backs the inclusion of text on the free or affordable provision of habilitation or rehabilitation.

The IDC is flexible on the proposal to move the text on communication and assistive technology to Article 4.

Article 27: Employment

Inclusion in the general labour force is fundamental for the full participation of people with disabilities and one of the main tools for ensuring a sustainable livelihood above the poverty line.

Like New Zealand, we had thought that the question of sheltered employment was settled at the 6th Session of the Ad Hoc Committee, and are concerned about the re-emergence of a paternalistic approach to the right to work of people with disabilities. We remind the Ad Hoc Committee of the urgent need to ensure that all people with disabilities who want to work will find opportunities, not only to enter the workforce, but to pursue careers and professions of our choosing, start our own enterprises, and generally exercise our initiative to emerge from poverty and to contribute to society through our efforts. Supported employment in inclusive settings is a key component of ensuring such opportunities, and this is provided for in paragraph d of the Chair's text, which addresses "assistance in finding, obtaining, maintaining and returning to employment".

The IDC generally supports the Chair's text, with amendments in the following areas:

We want a strong non-discrimination component for this article, that would apply to all forms of employment, including in public, private, not-for-profit, and informal settings, and which would also apply to "sheltered employment". This is the best protection that people who currently work in "sheltered employment" can have in order to move out of segregated settings where equal rights with other workers have been expressly deprived, often by statutory exceptions.

We want to strengthen the provisions on public employment and self-employment, since these are important in ensuring equal opportunities for people with disabilities. We want to address the gender dimension in this article by ensuring non-discrimination, protection from sexual and other harassment, and ensuring rights in relation to pregnancy and maternity. We want to address the situation of people with disabilities who are being subjected to forced labour, by including text based

on article 8 of the ICCPR. We want to strengthen the Chair's text by providing for measures to assist, as well as encourage, employers to hire people with disabilities.

The Voice of Self-Advocates

On Health:

We all have the right to good health.

It is the key to our well-being.

It is the key to us being free.

Article 28: Adequate Standard of Living and Social Protection

The issue with this article is that there is a large gap between the reality of the situation of people with disabilities and the provisions covered in this article. According to the World Health Organisation, 400 million people with disabilities are living with an income under 1 dollar a day and these are people with disabilities living in developing countries, especially women with disabilities who are even poorer than men with disabilities. Therefore, people with disabilities must have a means to ensure they live above the poverty line.

The IDC supports that disability related extra costs should be covered. Not doing so, will most often bring persons with disabilities and their families into poverty. See our proposed text under paragraph (a). On the other hand, we want to ensure that the way that the service is provided respects the independence of persons with disabilities. See our proposal for this in paragraph (c).

Article 29: Participation in Political and Public Life

This article must ensure that states guarantee the right to vote of people with disabilities and don't discriminate on this right based on disability. Therefore, there is a need to add 'inter alia' to paragraph 1 (a) to ensure this does not happen.

Additionally, the IDC suggests the addition of a new paragraph (c) on consultation with persons with disabilities which in our view complements paragraph 3 in Article 4.

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Article 27: Work and Employment

We reiterate our concern on paragraph j of the Israeli proposal which refers to alternative forms of employment. We repeat that we want persons with disabilities who work in these situations to be provided with the same rights as all other workers. This is precisely why we proposed to add in all forms of employment in paragraph (a). We strongly oppose to a reference to these alternative forms of employment which include among others sheltered employment.

The EU's stand against sheltered workshops is widely welcomed by the IDC.

Article 28: Adequate Standard of Living and Social Protection

New Zealand and Israel's support to the IDC's proposal on a new paragraph (c) was welcomed. The proposal includes a paragraph that ensures that autonomy is preserved in the delivery of social assistance and participation in social insurance scheme, including by prohibiting provision of any service or benefits contingent on acceptance of any other service, and that services always contribute to the full participation of people with disabilities in the community and their families as this paragraph adds value to the text.

Affordability of services is of vital importance to people with disabilities especially to ensure adequate standard of living.

The IDC strongly backs the reference to women and girls with disabilities in paragraph 2.

IDC insists on the importance of including reference to income maintenance schemes in the context of this article.

We are interested in the proposal some states parties made on the addition of text to ensure access on an equal basis as others of persons with disabilities to pension and retirement programmes.

The reference to clean water should be retained and the Chair has proposed to move it out of the chapeau. We don't want to lose the reference in the context of this article because most families spend most energy on finding water than finding food. The idea that food goes with water is not realistic.

Article 29: Participation in Political and Public Life

We cannot get rid of the secret ballot as it is a concept in the ICCPR.

The IDC insists on retaining the text on assistance to vote by the person of one's own choice.

We welcome the support for our paragraph C and we could look at the incorporation of this dimension of participation whilst discussing paragraph 3 of Article 4.

We also support a gender dimension to the chapeau of this article.

Children with disabilities:

IDC welcomes UNICEF's statement on children with disabilities which is in-line to the IDC position. It is available at:

<http://www.un.org/esa/socdev/enable/rights/ahc7docs/ahc7unicef1.pdf>

Voice of self-advocates on work:

Having a job gives meaning to my life.
Having a decent job should be my right.
We all need a job – we may need support to keep our job.

Up-coming look at today's plenary:

Article 30: Participation in Cultural Life, Recreation, Leisure and Sport

The IDC stresses the need to mention access to culture and the right of persons with disabilities to use their potential and be an artist or perform in media, for example.

Indigenous persons and tribal persons with disabilities need to be included in the text of this convention and the IDC supports their inclusion in the context of this article.

IDC strongly supports the reference to international copyright but considers that this is perhaps better placed in Article 9.

In addition, we propose to add the full inclusion of persons with disabilities in mainstream sports.

Article 31: Statistics

The IDC proposal to add that disability statistics should be disaggregated by sex, age and ethnicity, an addition we feel is vital for this article because data on disability is most often looked at from a medical model perspective not taking into account the social aspects of disability such as being a man or a woman but also environmental circumstances, age, ethnicity etc...

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PLENARY DISCUSSION ON FRIDAY, 26 JANUARY 2006

Article 30

PARTICIPATION IN CULTURAL LIFE, RECREATION, LEISURE AND SPORT

The IDC support the paragraph 4 of the Chair's text. Deaf cultures and sign languages are part of the cultural and linguistic diversity in the world, because language and culture are closely interrelated. Deaf culture meets all five sociological criteria for defining a culture: language, values, traditions, norms and identity. The right of an individual to enjoy culture and to advance culture and science without interference from the state is a human right stated in international human right law. A Deaf person has the right to enjoy his/her Deaf culture and practice and develop it. S/he has also right to enjoy other cultures in the society.

The IDC wants to draw the attention of the Ad Hoc committee to the situation of indigenous persons with disabilities, members of cultural minorities and persons living in tribal conditions who are victims of multiple discriminations and whose voice is generally ignored. For that concern, the IDC strongly supports the reference to these persons in the context of the article 30 and article 4 (general obligations).

The IDC reiterates its proposal to move the paragraph 3 of article 30 to the article 9 on Accessibility as it is about access to information of all kind. It is necessary to remind delegates that international laws on copyrights are important obstacles for accessing alternatives forms of information and therefore have a discriminatory effect on people with disabilities.

Article 31 STATISTICS AND DATA COLLECTION

We welcomed the support from states parties to add the IDC proposed paragraph 4 on the dissemination of statistics in an accessible form.

We maintain our position that disability statistics should be disaggregated by gender, age, ethnicity, economic categories. On the other hand, the IDC opposes to disaggregate statistics by category of disability. We think that as long as this kind of information does not describe the living conditions of persons with disabilities, it is therefore irrelevant. In other words, statistics should document situations of persons with disabilities and be a basis for compliance with the Convention.

We would like to express our concern regarding the misuse of statistics indicators that presuppose that the lives of disabled people have less value than those of people without disabilities and can be used to discriminate people with disabilities from public and other services, such DALYs (disability adjusted life years).

Article 33 NATIONAL IMPLEMENTATION AND MONITORING

The discussion on article 33 was a bit confusing, as delegations had to handle with two different texts.

The IDC supports the substance of article 52 of the facilitator's text as a basis for including additional references on the role and functioning of independent national monitoring bodies as foreseen in paragraph 2 of article 33.

The IDC also reiterates the need to distinguish clearly between the three elements that are needed for implementation and monitoring:

- one or more Government focal points in charge of implementation;
- a national coordinating committee as foreseen in the UN Standard Rules;
- an independent monitoring body, which should comply with the highest international standards governing national mechanisms.

Article 34 INTERNATIONAL MONITORING

The IDC's proposal includes at a minimum a Treaty Body, composed of persons with disabilities with relevant expertise. The Treaty Body would need to have relevant functions such as issuing general comments and individual communications and inquiries. In addition, it should have a transparent election process with the participation of disabled peoples' organizations. Additionally, we support a global disability rights advocate or ombudsperson (with a clearly distinguished role) and an expanded role for a conference of state parties to encourage cooperation. These tools would ensure a more holistic monitoring process.

For further details, the IDC proposal is available at:

<http://www.un.org/esa/socdev/enable/rights/ahc7docs/ahc7idcart33-34.doc>

The IDC welcomes the text provided by the Chair, which includes most of the proposals made in the document presented by the OHCHR, which received wide support.

Voice of self-advocates:

This is our last message as we are starting to leave to go home.

"Together we can do anything"

We wish to thank you all for the support you have given.

Haydee Beckes, Panama

Mia Farah, Lebanon

Robert Martin, New Zealand

Quincy Mwiya, Zambia

PREVIEW OF TODAY'S PLENARY:

Article 1 PURPOSE

The relevance of this article has been questioned, arguing that the title of the Convention itself may cover the topics addressed in this article, so a purpose may not be required.

The IDC supports the retention of this article for many reasons. First, the title of the Convention may evolve into a different, shorter one. Moreover, the title of the Convention alone is not legally binding, whereas the text within it is. Furthermore, the IDC has consistently argued that this Convention should be clear and accessible and a purpose helps in that direction.

The IDC prefers the word "ensure" to the term "fulfill".

Article 3 GENERAL PRINCIPLES

For paragraph (a), the IDC promotes the addition of the word "Respect for" dignity as it is a matter of ensuring that one's dignity throughout life is recognized and respected. Moreover, the IDC points its preference for the wording "self determination" instead of autonomy. Self determination highlights the struggle of adult human-beings to move away from a situation of deprivation and subordination.

The IDC strongly suggests the addition of a paragraph (h) ensuring equal respect for children with disabilities with all other children, in respect of their evolving capacities and the right to express views. Without such addition, children would be completely excluded by the general principles, because unlike adults, they do not have legal capacity or autonomy.

Article 4 GENERAL OBLIGATIONS

A very long article for which the IDC has several proposals for additions:

- The IDC suggests including a paragraph on national remedies, as foreseen in ICCPR article 2.
- The IDC supports a reference to the use of public funds and public procurement in this article as relevant tools to achieve the objectives of the Convention.
- The IDC also wants to strengthen the reference in paragraph 1a which refers to "discourage" customs and practices. Compared to this, CEDAW states "modify or abolish".
- A very important paragraph is the one relating to consultation with representative NGOs of persons with disabilities. The IDC proposes to delete the list of areas, as persons with disabilities demand to be consulted on all issues. Moreover, we suggest a new line on provision of support for the establishment and strengthening of these organizations.

Finally, the IDC proposes to refer to indigenous persons with disabilities and other specific groups (persons with disabilities from racial, ethnic, linguistic and religious minorities) in this article.

International Day of Commemoration in Memory of the Victims of the Holocaust

The 27th of January was a special day. On this day, members of the International Disability Caucus commemorated the practices of the Nazi regime of eliminating persons with disabilities. Persons with disabilities were also victims of so-called scientific experiments. Persons with disabilities were not considered as human beings. This should never happen again.

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February 1, 2006

NOTHING ABOUT US WITHOUT US

Article 4: GENERAL OBLIGATIONS

The outcome of this very long discussion was rather positive, as several of the IDC proposals received wide support.

One of the key issues brought back to the agenda is national level remedies. It was not in the Chair's text but was supported by many Government delegates. It is hoped that delegates might be able to reach a compromise solution using the well accepted models in the Convention on the Elimination of All Forms of Racial Discrimination (Articles 5 and 6) and the Convention on the Elimination of All Forms of Discrimination Against Women (Article 2 (c)).

The IDC is satisfied with the reference to consultation with persons with disabilities through their representative organisations which many states parties supported. The IDC reminds everyone that this consultation needs to happen on all issues affecting persons with disabilities.

The IDC looks forward to a re-worded paragraph (f) based on the definition of Universal Design currently to be found in Article 2.

We also look forward to a re-wording of paragraph 1 (a) in-line with the CEDAW Article 2 (f) which deals with customs and practices in a much stronger way.

Article 2: DEFINITIONS

The IDC restates the importance of a definition within the text of the Convention. In the absence of a definition, certain groups of people with disabilities will not be covered in certain countries which use restrictive definitions in national legislation. People with psychosocial disabilities who are not usually considered to be persons with disabilities are one of the groups at risk of not being covered by the Convention without a definition.

The IDC welcomed support for its proposal to use the definition of "person with a disability" from the Inter American Convention on the Rights of Persons with Disabilities rather than defining disability itself. The IDC does not want a definition on disability as such as it would be counter productive to define different types of disability using a medical approach. Instead we have proposed a definition using the social model relating disability to the social environment.

The IDC is pleased with the overwhelming support from states parties to have the denial of reasonable accommodation included in the definition accepted as a form of discrimination.

The IDC also welcomed the very clear explanation provided by the National Human Rights Institutions which articulated the difference between reasonable accommodation which applies to an individual and general accessibility.

The IDC draws delegates' attention to our proposal for a new definition of inclusion which would clarify the debate, among other things, about inclusive education: "the full and equal participation in public social and private life of a person with disabilities with a focus removal of social and physical barriers and with support and service including respect for human diversity".

We thank governments for their support of IDC text on communication.

PREVIEWS OF TODAY'S PLENARY

Article 6 WOMEN WITH DISABILITIES

To clarify the complex and unique discrimination against women and girls with disabilities and identify their unique needs, which were unmet, by existing international law, the IDC strongly suggests the inclusion of a separate article for women with disabilities, to be inserted as Article 6.

This will ensure that governments recognize the significance of the issue of women and girls with disabilities before other articles. This will also make certain that governments realize the significance of gender perspectives and equality between women with disabilities and men with disabilities, non-disabled women and men. The article also specifies that these perspectives will be applied throughout the text.

The inclusion of an Article 6 on women and girls with disabilities will help to focus attention in implementation and monitoring on the specific obligation to address issues of importance to women and girls with disabilities.

The IDC supports a combination of a specific article in part I of the Convention (article 6), focusing on equality of women with disabilities, and specific references to women's issues in various relevant articles of the Convention (twin track approach).

The IDC prepared a text in reaction to the text prepared by the facilitator which we ask government delegates to consider. It is available on the UNenable website and in hard-copy.

Article 7 CHILDREN WITH DISABILITIES

There is a powerful case for explicit inclusion of children with disabilities in the text of the Convention. Children have a different legal status from adults and there are many issues which effect children exclusively. Unless these issues are properly addressed then the opportunity to address the continued and widespread violations of the rights of children with

disabilities in this Convention will be wasted. The facilitator for children highlighted these issues in her proposed amendments and the IDC strongly recommends that governments lend their support to these proposals.

Some of the key issues include:

- Respect for the evolving capacities of the child
- Measures to ensure birth registration
- Age appropriate accommodations to promote access to justice
- Respect for children's right to express views and obligations to consult with children when developing legislation and services that affect them
- Disability sensitive child protection procedures
- Support and information for families with a child with disabilities
- Prohibition on sterilization of children
- An end to institutionalization and promotion of the right of children to live in the community

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NOTHING ABOUT US WITHOUT US

Inadequate accessibility for people with disabilities during the fire drill

The fire drill exposed the lack of accessibility and many people in wheelchairs after exiting the building could not get out of the garden and could not leave the premises. In addition, there were no lighted signs to signal for deaf people that there is a fire. Furthermore, the people coordinating the drill firstly separated people with disabilities from people without disabilities and some of the non-disabled were personal assistants. In reality, having all people exiting together will in fact improve the chances of getting everyone out more safely.

PLENARY DISCUSSION ON WEDNESDAY, 1st FEBRUARY 2006

Article 6 WOMEN WITH DISABILITIES

The IDC was very pleased with the fact that there was so much recognition for bringing women and girls with disabilities into the text of the Convention as a specific article as well as integrating specific references in other relevant articles. The facilitator's strong role in bringing delegates together has proven valuable to this initiative. The UN Special Rapporteur on Persons with Disabilities Sheika Hessa al Thani has sent a strong message in favor of specific references to women and girls throughout the text.

We feel that the text in Article 6 needs strengthening as the proposed text by the facilitator is not enough as a legal base. Article 16 should have more mentioning of the various forms of violence that persons with disabilities are subjected to specifically mentioning gender-based manifestations, forced sterilization, abortion and female genital mutilation to recognize the specific forms of violence that women with disabilities can be exposed to. Furthermore, we appreciate that many delegates supported a reference to women and girls in Article 24 on education as this is the most crucial area for women and girls with disabilities. Education level and literacy rates of women with disabilities are significantly lower than men with disabilities. The same could be said for Article 27 on work and employment. Empowerment and independence most of the time is achieved through employment.

Article 7 CHILDREN WITH DISABILITIES

The IDC welcome the very strong support for the proposals from the facilitators' on children. However, we have some outstanding concerns:

- we feel that in the proposed amendments to Article 7 by the EU which we support in principle, the issue of providing age and disability appropriate support to ensure that children are able to express their views also needs to be included.
- We want a strong text on child protection making explicit reference to the need for such services to be sensitive, accessible and available to children with disabilities
- We are unhappy with the facilitator's text for the preamble and would like to see it substitute it with the EU's proposal.
- There is a need for explicit reference for protection of children with disabilities from sterilization as the current text on forced sterilization and on the right to retain a family are not sufficient to protect children.
- We do not support the paragraph 4 of Article 7 in the facilitator's text. Instead we would like a paragraph stressing the need for all children services to be adapted and available to children with disabilities on equal basis with other children. Only through such mainstreaming will the exclusion of children with disabilities be challenged.

PREVIEW OF TODAY'S PLENARY:

PREAMBLE

The preamble will set the context for the convention. It is important that it provides a thorough overview of the need for the convention and address overarching themes. The IDC is calling on States Parties to support the insertion of additional paragraphs on women, children, families and indigenous populations.

Article 32 INTERNATIONAL COOPERATION

URGENT APPEAL FROM THE IDC TO THE DELEGATES

International Cooperation is needed!

IDC makes an appeal for a good and strong article 32 underlining:

There is a need to mainstream disability issues across all International Cooperation programmes and projects (this should include both development cooperation as well as emergency and humanitarian aid) .

There is need to have specific International Cooperation programmes that address people with disabilities.

International Cooperation is not only a matter of economic support, it is mainly technical assistance, knowledge exchange, capacity building, and good practices sharing.

International Cooperation is not only North – South but also South- South cooperation. Even more, we believe that the good lessons learnt in the South can be shared with the North.

No public money should be spent to create barriers for people with disabilities.

More resources within existing aid efforts must be allocated for disabled people.

Humanitarian and other emergency aid efforts should also be inclusive of persons with disabilities.

We should be included and recognized at all levels of designing, planning, implementing, monitoring and evaluating programs created and funded in the realm of international cooperation;

We welcome the efforts made by the Facilitator to include all these issues in Article 32 and thank the Committee for including this important issue in the draft Convention.

Article 12 EQUAL RECOGNITION AS A PERSON BEFORE THE LAW

The IDC emphasizes that legal capacity and the freedom to exercise it are fundamental to the support model and to the inherent dignity of people with disabilities. We are concerned that paragraph 4 of the proposal elaborated by EU, Canada, Australia, Norway, Costa Rica, USA and Liechtenstein does not meet this requirement. Our amended paragraph 4 retains the provision for effective safeguards for support, and avoids the implication that the exercise of legal capacity itself is subject to safeguards.

IDC version of paragraph 4 of the new proposal:

States Parties shall ensure that legislative or other measures are taken to establish effective safeguards to prevent abuse of support in exercising legal capacity. Such safeguards shall ensure that support in the exercise of legal capacity respects the rights, will and preferences of the person, is free of conflict of interest and undue influence, and is proportional and tailored to the person's circumstances.

Article 17 PROTECTING THE INTEGRITY OF THE PERSON

In article 17, the IDC emphasizes deletion of paragraphs 3 and 4 of the Chair's text.

The right to physical, mental and moral integrity of people with disabilities has to be respected on an unequivocal basis. This means that we have the right to be ourselves without interference - whether from medical interventions or anything else.

The IDC also notes that article 25 provides in general for free and informed consent in health care services, and the chapeau of this article makes clear that all rights contained therein are on a basis of non-discrimination. This is as it should be, and any proposals to limit free and informed consent should be rejected, whether in article 25 or elsewhere in the Convention.